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**BOARD OF SELECTMEN
MEETING MINUTES
6/21/11**

The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room as scheduled with Paula Bertram, Ernie Sund, Tom Alonzo, Dave Matthews and Town Manager Kerry Speidel present, Steven M. deBettencourt absent. Meeting opened at 7: P.M. with the Pledge of Allegiance

PUBLIC COMMENT

ANNOUNCEMENTS

1. DPW Director Jack Rodriquez expressed appreciation to the Turkey Hill Gardeners for the great job that they do with the town center every year.

APPOINTMENTS

1. 7:00 PM – Janet Morrison, Executive Director, North County Land Trust – present to request the board approve a Conservation Restriction, presented information on the North County Land Trust, approximately 21.5 acres. Mr. Millington continues to own the property outlined in red on the maps, property has conservation value which is why the Land Trust is interested in having a conservation restriction placed on it. This keeps the property from being developed forever, no matter who owns it.

Tom questioned how many acres the Trust owns and per Janet own... and hold conservation restrictions in a number of communities in the Northern Worcester County, they also have another property in Lunenburg. There are no notice requirements to abutters, no public notice. Only an application, which has been signed by the Conservation Commission, municipal certification that states this property is worthy of a conservation restriction. Basically the conservation restriction states for scenic views, wildlife habitat and is in accordance with the town's open space plan. Not to shut down and open space activity, only to prohibit development, motor vehicle use on the property with the exception of property management, i.e., timber harvest rights etc., land cultivation are given back.

The conservation restriction does not prohibit hunting or fishing as those restrictions are up to the property owner who owns the land at the time, currently restricts public access. They usually do restrict motor vehicle access, but not bicycling etc., passive recreational use is allowed. Dave questioned this type of restriction versus Chapter 61 A and/or B, which according to Janet those are generally a tax benefit for the property owner and they do remain on the tax rolls. We recommend that the property owner continually enroll their land as Chapter land and she will inform Mr. Millington's attorney that he should enroll.

Dave noted that for the record the Conservation Commission did unanimously approve this restriction. Board concurred that protection of open space is a valuable asset for the town. Tom motioned to certify that at a public meeting duly held on June 21, 2011 the Board of Selectmen approve the foregoing Conservation Restriction to North County Land Trust Inc., pursuant to MGL Chapter 14, Section 52, Paula seconded, voted unanimously to approve.

2. 7:15 PM – DPW Building Committee Update – Chairman Dave MacDonald presented and reviewed the attached information of the project costs which details the additional funding request for the DPW addition/renovation. The committee does not want to deviate from the goals that were established by the Feasibility Study Committee and presented at Town Meeting. The only recommendation the committee now has is to request the board call a special town meeting to go back to the town for additional funding. Noted that we cannot start a project without the funds and where they are at right now, having gone out to bid twice, is out by \$192K.

Board concurred that the committee has done a phenomenal job if we take things out, we're not going to end up with a facility that we need in the end. According to Kerry, the financial impact on this would be about \$15,000/year, we're at a point now even if we did take something out, and we wouldn't be building what was presented at town meeting. Kerry has discussed with the bidder's holding their bids for the additional time necessary in order for the town to go back to town meeting for additional funding and most agreed to hold to July 31st. We could still get this project started in July if the town approves funding. Dave M., reviewed the attached proposed timetable and article language. Tom move that the board approve holding a special town meeting on Monday July 18th, to open the warrant this evening and close on June 24th @ 12:00, noon.

3. 8:00 PM – School Regionalization Committee Update – Milree Keeling and Greg Berthume were present with Brendan Grady Chair of the School Regionalization Planning Committee was present to review the steps that the committee has made to this point. According to Brendan, for the past year or so the committee has been working with North Middlesex Regional School system to determine if we should pursue regionalizing with them. Working through the MSBA several times, requesting information which they did not receive in time, not until six months later than needed did they receive. Their original numbers that they had determined for the districts were no longer valid. Expect to get a revised model back by the end of this month and would like to ensure that all their concerns are addressed. In the end, to review the model and come up with some recommendations based upon the assumptions. The

budget always seems to be a moving target, for the committee, they want to have a recommendation for the town to move forward with. The intent is to give a recommendation that is in the best interest of this town. Tom questioned if we fit either academically or financially as a region. According to Brendan, from this point we are looking at the financial, but you never want to discount the academic component, but they are focusing on the financial. The objective of the committee is going to be to come up with a recommendation to the town on regionalization but realizing there will be necessary negotiations between the two communities.

Board and committee members expressed their frustrations with the MSBA in their delays in submitting determinations and responses to requests for further information and the amount of time that it has taken to receive their input, not only on investigating the options of regionalizing with Ayer/Shirley and now with North Middlesex option. The Committee believes that they have to come back before the board by the end of summer with a recommendation.

CURRENT BUSINESS

1. **Request from Building Official to appoint member to Survey Board** – Kerry informed the board that there is a procedure in the building code for hazardous structures which will give the BI the ability to deem a property insecure and hazardous. There is a property that is under the foreclosure process which is expected to occur sometime in July. The home right now is vacant and has been under the eye of the Police Department. Mike's recommendation is to have the DPW Director serve on this board in place of the "Town Surveyor" as she has been advised by Building Official Mike Sauvageau that there is an abandoned home located at 196 Leominster Road. He has determined that the building qualifies as an unsafe structure. He has attempted to contact the owner, Timothy J. Morse, on a number of occasions regarding the condition of the building, but has been unsuccessful. He has also contacted the mortgage holder and has been advised that the property is in foreclosure. He has advised the mortgage holder, World Savings Bank, that the property needs to be boarded up and that the trash needs to be removed, World Savings Bank is unwilling to take any action until the foreclosure process has been completed. At the present, the foreclosure is scheduled for mid-July, but that is subject to change. The property is a hazard and is also of concern to the Police Chief. The Town is able to secure the property and lien the property for expenses incurred under the process identified in 780 CMR 5121.6. The first step in the process is the formation of Survey Committee, This committee is made up of: A disinterested person appointed by the Building Official, Fire Chief, and Town Surveyor. In the absence of any one of these officials, the Board of Selectmen shall designate one or more suitable persons to serve on the Board. The purpose of the Board is to make a careful survey of the premises and to determine what work is needed to secure the property. The list of work is then documented in a report that is served upon the property owner. If the report declares that the property is dangerous and open to the weather and the owner continues to refuse to make the necessary repairs, the Building Official may cause the work to be completed and the cost of the same to be liened on the property.

Paula also questioned about a property in her neighborhood and her desire would be that the committee not only focus on this property but other properties that are known are also addressed, noted one on Penninsula Drive. Per Kerry the intent is that as this process moves on, there will be other properties that are brought to our attention. Board concurred that this is a good opportunity to get in process as there are a number of properties in foreclosure. Paula would also like to have some idea of what financial impact we may experience in reviewing these properties. Ernie questioned if there is a way that we could investigate what properties may be in foreclosure.

Ernie motioned to appoint the DPW Director, Jack Rodriquez to serve on the Survey Board in lieu of Town Surveyor, Tom seconded, voted unanimously.

2. Request for Special Town Meeting; Open Warrant -

3. **FY'2012 Annual Appointments** – Kerry read the attached list of "Town Manager Appointments/Re-Appointments" in accordance with Section 42(d) of the Town Charter. Board will hold on the appointments to the Technical Advisory Committee for further information. Paula motion to ratify the appointments as recommended by the Town Manager with the exception of the Technical Advisory Committee, Tom seconded, voted unanimously to approve.

Dave read the attached Board of Selectmen Appointment/Re-Appointment list, question on the Montachusett Joint Transportation Committee. Paula wants to ensure that the appointment of Town Counsel is going to continue as a base rate, also questioned the option of obtaining bids for legal counsel. Tom would entertain looking at other options that may be available for counsel services.

Kerry would say that since we've had a change in our appointive contact with Kopelman & Paige, we are getting a better response and feels that we would be hard pressed to get a better financial deal for the town. Dave and Ernie would like to remain with this firm for another year and that the process has seen an improvement over the past year. Paula would like to suggest that we go out to bid next year, to which Tom concurs as it's always good to know what else is out there. According to Kerry Kopelman & Paige is going to continue with their proposal and have reduced their rates by \$5.00 per hour of what we had been paying. Tom move to approve, Paula seconded, voted unanimously.

4. Minutes – none

Warrants - #69 11, 6/21/11 - \$321,339.44, #70 11, 6/22/11 - \$314,192.43 and #26 P11, 6/23/11 - \$720,456.59 reviewed and signed.

Action File Issues - None

5. **Committee Updates** – Tom, Mass Broadband Institute has submitted a change in the routing, now 2A be covered from Fitchburg and a spur that crosses Leominster/Shirley Road.

PACC met last evening and need volunteers for the committee, have made productions on DVD on the school presentation of Mame and the lip sync program which are available at the school. They have also recorded the graduation and will have these available in the future. Since January they have developed 18 programs, there is also a facebook page that has their schedules. Meet once month. Dave School Committee met wednesday and voted to accept the final budget, discussions on bus and parking fees.

6. Department Updates -

7. **Town Manager Updates** Kerry was advised that the DPW Director has worked out an agreement with Markk Trembley of MCI Shirley they have agreed to send a crew of 8 on Mondays and Tuesdays through the summer and may continue for a longer period of time and will be working in our cemeteries. Will save us tens of thousands of dollars worth of work. The Fire Department will be holding a drill at the Primary School this Friday and will involve ambulances, also has submitted the enhanced public safety actions for the Fourth of July Holiday.

Status report of Lake Shirley Dam and will be receiving this information from the DPW Director in a short time. Also on the repair of pot holes, they are repaired quickly upon receiving notice. He did point out that not all road repairs are pot holes and may entail further action.

OLD BUSINESS

1. **Nashoba Valley Regional Emergency Dispatch Proposal** – Per Kerry, the Chief would like to set up a time to discuss, either earlier on the 12th or a workshop. Her recommendation is for 5:45 on July 19th, board will check their schedules and get back to her on their availability. Paula is questioning if there is additional financial information that the board could review, startup costs and how those costs will be moving forward. The draft agreement talks about a detailed budget breakdown that is blank. She will meet with both the Chiefs prior to this meeting.

Dave has requested that the board submit their Town Manager evaluations to him by July 1st, so that he has time to tabulate and board can discuss at their July 12th meeting.

COMMITTEE APPOINTMENTS/REAPPOINTMENTS/RESIGNATIONS

1. **FY'2012 Annual Appointments -**

EXECUTIVE SESSION

UPCOMING MEETING SCHEDULE

July 12, 2011

Being no further business board voted unanimously to adjourn Regular Session at 9:15 P.M.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant
Board of Selectmen